UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|---|---|---|---|
| 09/995,636 | 11/29/2001 | Leif Roge Lund | LUND=1A |



CONFIRMATION NO. 3212

FORMALITIES LETTER

*OC000000007237667*

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, DC 20001

Date Mailed: 12/28/2001

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

DOCKETED (1/15/02)
SEQ DUE 28 FE 2002



*A copy of this notice MUST be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: LUND et al

Application No.: 09/995,638

Filed: November 29, 2001

For: INHIBITION OF INVASIVE REMODELLING

Conf. No.: 3212

Examiner:

Washington, D.C.

Atty.'s Docket: LUND=1A

Date: January 17, 2002



THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a [ ] Amendment [XX] RESPONSE TO "SEQUENCE LISTING" REQUIREMENT in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[ ] The fee has been calculated as shown below:

| | (Col. 1) CLAIMS REMAINING AFTER AMENDMENT | | (Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR | (Col. 3) PRESENT EXTRA EQUALS | SMALL ENTITY RATE | SMALL ENTITY ADDITIONAL FEE | OR | OTHER THAN SMALL ENTITY RATE | OTHER THAN SMALL ENTITY ADDITIONAL FEE |
|---|---|---|---|---|---|---|---|---|---|
| TOTAL | * | MINUS | ** 20 | 0 | x 9 | $ | | x 18 | $ |
| INDEP. | * | MINUS | *** 3 | 0 | x 42 | $ | | x 84 | $ |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | + 140 | $ | | + 280 | $ |
| | | | | | ADDITIONAL FEE TOTAL | $ | OR | TOTAL | $ |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
[ ] First - $ 55.00
[ ] Second - $ 200.00
[ ] Third - $ 460.00
[ ] Fourth - $ 720.00
Month After Time Period Set

Other Than Small Entity
Response Filed Within
[ ] First - $ 110.00
[ ] Second - $ 400.00
[ ] Third - $ 920.00
[ ] Fourth - $ 1440.00
Month After Time Period Set

[ ] Less fees ($_____) already paid for ___ month(s) extension of time on _____.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of $_____.

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of $_____.

[ ] A check in the amount of $_____ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: _____
Iver P. Cooper
Registration No. 28,005

Facsimile: (202) 737-3528
Telephone: (202) 628-5197

43

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| In re Application of: | ) | **Conf. No.: 3212** |
| | ) | |
| LUND et al | ) | Examiner: |
| | ) | |
| Appln. No.: 09/995,636 | ) | Washington, D.C. |
| | ) | |
| Filed: November 29, 2001 | ) | January 17, 2002 |
| | ) | |
| For: INHIBITION OF INVASIVE REMODELLING | ) | Atty.Docket: LUND=1A |

**RESPONSE TO "SEQUENCE LISTING" REQUIREMENT**



Honorable Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Notice to Comply, mailed December 31, 2001, applicants state as follows:

1. Applicants hereby submit the following:

[ ] a paper copy of a "Sequence Listing", complying with §1.821(c), to be incorporated into the specification as directed above;

[ ] an amendment to the paper copy of the "Sequence Listing" submitted on , the amendment being in the form of substitute sheets;

[ ] the Sequence Listing in computer readable form, complying with §1.821(e) and §1.824, including, if an amendment to the paper copy is submitted,

all previously submitted data with the amendment incorporated therein;

[XX] pursuant to §1.821(e), reference is made to the computer readable form filed on December 28, 2000, in Application No. 09/319,464 , which presents the identical Sequence information, the use of which is now requested, in lieu of submitting a new computer readable form; and/or

[ ] a substitute computer readable form to replace one found to be damaged or unreadable.

[ ] 2. The description has been amended to comply with §1.821(d).

3. The undersigned attorney or agent hereby states as follows:

(a) this submission is not believed to include new matter [§1.821(g)];

(b) the contents of the paper copy (as amended, if applicable) and the computer readable form of the Sequence Listing, are believed to be the same [§1.821(f) and §1.825(b)];

(c) if the paper copy has been amended, the amendment is believed to be supported by the

specification and is not believed to include new matter [§1.825(a)]; and

(d) if the computer readable form submitted herewith is a substitute for a form found upon receipt by the PTO to be damaged or unreadable, that the substitute data is believed to be identical to that originally filed [§1.825(d)].

4. Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her sequence search against a database containing known natural sequences.

Respectfully submitted,

BROWDY AND NEIMARK
Attorneys for Applicant(s)

By: _____
Iver P. Cooper
Registration No. 28,005

IPC:al
624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
F:\,P\Plou\LundlA\PTO\ResponseToNoticeToComply.doc